

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 25

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MIZUO OHSHITA

Appeal No. 2002-1151
Application No. 09/324,835

HEARD: FEBRUARY 19, 2003

Before COHEN, FRANKFORT, and McQUADE, Administrative Patent Judges.
COHEN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 20, 22, and 23. These claims constitute all of the claims remaining in the application.

Appellant's invention pertains to an apparatus for dispensing change and packing cash in a change pack. A basic understanding of the invention can be derived from a reading of exemplary claims 1 and 22, respective copies of which appear in the APPENDIX to the brief (Paper No. 18).

Appeal No. 2002-1151
Application No. 09/324,835

As evidence of anticipation and obviousness, the examiner has applied the documents listed below:

Teraoka et al (Teraoka)	4,928,229	May 22, 1990
Oshita et al (Oshita) (Japan) ¹	9-147184	Jun. 6, 1997

The following rejections are before us for review.

Claims 1, 2, 11, 12, 22, and 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Oshita.

Claims 3 through 10, and 13 through 20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Oshita in view of Teraoka.

The full text of the examiner's rejections and response to the argument presented by appellant appears in the answer (Paper No. 21), while the complete statement of appellant's argument can be found in the brief (Paper No. 17).

¹ Our understanding of this foreign language document is derived from a reading of a translation thereof prepared in the United States Patent and Trademark Office and which is of record in this application.

OPINION

In reaching our conclusion on the issues raised in this appeal, this panel of the board has carefully considered appellant's specification and claims, the applied teachings,² and the respective viewpoints of appellant and the examiner. As a consequence of our review, we make the determinations which follow.

Anticipation

We do not sustain the rejection of claims 1, 2, 11, 12, 22, and 23 under 35 U.S.C. § 102(b) as being anticipated by Oshita.

Anticipation under 35 U.S.C. § 102(b) is established only when a single prior art reference discloses, either expressly or

² In our evaluation of the applied prior art, we have considered all of the disclosure of each document for what it would have fairly taught one of ordinary skill in the art. See In re Boe, 355 F.2d 961, 965, 148 USPQ 507, 510 (CCPA 1966). Additionally, this panel of the board has taken into account not only the specific teachings, but also the inferences which one skilled in the art would reasonably have been expected to draw from the disclosure. See In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968).

Appeal No. 2002-1151
Application No. 09/324,835

under principles of inherency, each and every element of a claimed invention. See In re Schreiber, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997); In re Paulsen, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994); In re Spada, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990); and RCA Corp. v. Applied Digital Data Sys., Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984). However, the law of anticipation does not require that the reference teach specifically what an appellant has disclosed and is claiming but only that the claims on appeal "read on" something disclosed in the reference, i.e., all limitations of the claim are found in the reference. See Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984).

Independent claim 1 is drawn to an apparatus for dispensing change and packing cash in a change pack, comprising, inter alia, a data input device for inputting a plurality of change data, a change data comparator, a change data divider for dividing the change data into a plurality of change data, a change pack supplier, and a change pack producer for successively producing a plurality of filled change packs, each containing at least one of

Appeal No. 2002-1151
Application No. 09/324,835

coin rolls and stacked bills and each based on respective divided change data when the change data is divided by said change data divider.

Independent claim 22 sets forth an apparatus for dispensing change and packing cash in a change pack, comprising, inter alia, a data input device for inputting change data for each of a plurality of dealers, a comparator for determining whether a calculated amount of cash can be packed in a single change pack, a change data divider for dividing the change data into a plurality of divided change data; and a change pack producer for producing a plurality of change packs based on and corresponding to the plurality of divided change data, whereby a different amount of cash can be prepared for each dealer.

As can readily be discerned from a review of claims 1 and 22, an apparatus is being claimed which apparatus specifically requires a comparator and a change data divider.

At this point, it is important to recognize that the Oshita reference expressly states (translation, pages 26,27, paragraph [0054]) that

Appeal No. 2002-1151
Application No. 09/324,835

When the number of rolls for one customer
will not fit into a single change box,
additional change data is generated.

The examiner assesses the Oshita reference as disclosing an automated system, with processing calculations such as comparing change data to predetermined reference values, addition, subtraction, and division as inherent to the processing of customer change data and the corresponding change pack delivered (answer, pages 3 and 4). On the other hand, it is appellant's position that the Oshita document does not teach an apparatus having a change data comparator and a change data divider (brief, page 5).³ According to appellant (brief, pages 6 and 7), with the reference system the comparison of cash amounts to change pack capacity is done by the operator, before change data is input into the system. By unsupported attorney argument alone (brief, pages 7 and 8), the language of the official translation (quoted above in this opinion) is contested with the assertion that a correct translation would replace "generated" with --- prepared (by the operator)--.

³ While the spelling of "Oshita" in the reference differs from the spelling of "Ohshita" in the present application, it is our understanding that appellant is the inventor Oshita of the reference.

Clearly, the Oshita reference contemplates additional change boxes when a determination is made that a customer's coins would not fit into a single change box. The difficulty, however, that we have with the anticipation rejection before us is that there is no certainty from the reference itself as to what carries out the aforementioned determination process.⁴ The determination alternatives are manifestly either a determination made by the operator or a determination effected by the control element 27. Since it is entirely speculative as to whether the discussed determination is achieved by an operator or the control system of Oshita, the applied document is not a sound anticipatory reference.⁵ It is for this reason that the rejection of appellant's claims under 35 U.S.C. § 102(b) cannot be sustained.

⁴ As the overall reference reveals, the change-preparing operation is not entirely automated. The operator and the control element 27 individually perform many functions.

⁵ It is worthy of contrasting the noted uncertainty in the reference with the clarity of disclosure regarding the change box weight comparison carried out by the control element (translation, pages 8 and 9, paragraph [0008]).

Appeal No. 2002-1151
Application No. 09/324,835

Obviousness

We cannot sustain the rejection of claims 3 through 10, and 13 through 20 under 35 U.S.C. § 103 as being unpatentable over Oshita in view of Teraoka.

In this rejection of dependent claims, the examiner relies upon the Oshita document, as applied above, with the teaching of Teraoka to support a conclusion that it would have been obvious to adhere printing labels to successive change packs of Oshita. However, of primary concern is the circumstance that the Teraoka patent does not overcome the earlier discussed deficiency of the Oshita reference. Thus, this obviousness rejection cannot be sustained.

In summary, this panel of the board has not sustained the respective rejections on appeal.

Appeal No. 2002-1151
Application No. 09/324,835

The decision of the examiner is reversed.

REVERSED

IRWIN CHARLES COHEN)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
CHARLES E. FRANKFORT)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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JOHN P. McQUADE)	
Administrative Patent Judge)	

Appeal No. 2002-1151
Application No. 09/324,835

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